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SIPDIS

G/TIP FOR BARBARA FLECK AND MARK FORSTROM
WHA/PPC FOR SCOTT MILLER
WHA/BSC FOR DRUCKER, FRIEDMAN, SHOWELL
DHS/ICE FOR GABRIEL GONZALEZ AND KATERINA KAROUSOS

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TAGS: [ASEC](#) [ELAB](#) [KCRM](#) [PHUM](#) [PREL](#) [SMIG](#) [KWMN](#) [PGOV](#) [AR](#)
SUBJECT: ARGENTINA: VISITING G/TIP AMBASSADOR PRESENTS
ANTI-TIP ACTION PLAN AND OFFERS PARTNERSHIP TO JUSTICE
MINISTER

REF: A. SECSTATE 64746
[1](#)B. BUENOS AIRES 501
[1](#)C. BUENOS AIRES 761
[1](#)D. BUENOS AIRES 344

Classified By: Ambassador E. Anthony Wayne for reasons 1.4 (b) and (d)

[1](#)1. (C) Summary. "The United States wants to be Argentina's partner in fighting trafficking in persons (TIP), not a judge", visiting Ambassador-at-Large and Director of the Office to Monitor and Combat Trafficking in Persons Mark P. Lagon told Argentine Minister of Justice Anibal Fernandez during a June 20 meeting in which Ambassador Wayne and poloff also attended. Minister Fernandez welcomed U.S. cooperation in its efforts to fight TIP, but stressed that as partners, "the United States needs to trust" the GOA. Lagon assured Fernandez that the USG appreciates the MOJ's cooperation in working with the U.S. to fight TIP and asked how the GOA will implement its new anti-trafficking law. Fernandez outlined the MOJ's efforts to organize and clarify the role that each government agency will have in the GOA's national plan to fight TIP. Drawing from the TIP action plan in ref A, Lagon offered recommendations on how to strengthen Argentina's anti-TIP efforts, emphasizing the need to implement and enforce the new federal anti-trafficking law, increase prosecutions of exploiters and complicit officials, and increase assistance to trafficking victims. He also underscored the importance of inter-agency coordination and working in partnership with NGOs. Fernandez agreed, even though many NGOs are currently critical of the government's efforts to fight TIP. He expressed confidence that once the government's anti-TIP apparatus is in place, NGOs will want to join the effort. Lagon thanked Fernandez for his cooperation and stated that he would call attention publicly to Argentina's accomplishments in the fight against modern-day slavery. End Summary.

Lagon: US Wants to be a Partner, Not a Judge

[1](#)2. (C) Ambassador Lagon was joined by Ambassador Wayne and Pol Officer Gomez. Fernandez was unaccompanied. Lagon began the meeting by expressing appreciation for the Ministry of Justice's (MOJ's) cooperation in working with the United States to fight human trafficking. He stressed that the USG "wishes to be Argentina's partner, not a judge". He noted that two U.S. ICE experts had offered a training seminar on best practices to investigate TIP crimes and protect victims during the MOJ's First Mercosur Congress on Human Trafficking and Child Pornography earlier this month. Lagon

then congratulated the Minister for the GOA's passage of an anti-TIP law in April (ref B). Citing his own experience as a Senate aide passing anti-TIP legislation in the U.S. Congress, Lagon stated that he understood how difficult it is to pass legislation. Fernandez stated that the G/TIP office did not understand Argentina's "political reality" when it raised concerns in the 2008 report that the new law would not provide adequate legal protection for adult trafficking victims. He informed Lagon that Argentine law enforcement officers had recently raided a brothel where they discovered and rescued eight Paraguayan trafficking victims, seven of whom were adults. The person running the operation was also arrested.

13. (C) Lagon assured Fernandez that the USG was aware of his "personal commitment" to fight TIP. He further explained that the USG has a political reality at home, too, and that the Congress has mandated that the State Department produce its annual report evaluating the efforts of foreign governments to fight human trafficking. Fernandez interjected by characterizing the report as "terrible!" Lagon acknowledged that he knew the report can be seen as an irritant because it is mandated by Congress to give countries a grade based on performance in protecting victims, prosecuting traffickers, and preventing the crime. "We try to do our job as best we can and offer recommendations on actions we believe would help Argentina in its anti-TIP effort and help the country improve its ranking if completed," he said. He then presented a copy of ref A action plan to Minister Fernandez.

14. (C) Fernandez indicated that he understood, but stated that the USG should "discuss the matter with us first."

Lagon noted that every year the USG asks foreign governments to provide information on what they are doing to fight TIP. He stressed that doing so would not only help the GOA track TIP crimes, but also helps the USG better understand what the GOA is doing to fight TIP. Fernandez countered that if the USG really understood Argentina's situation, it would never have produced the report on Argentina in the first place. Recalling his May 2007 meeting with Washington agencies, he argued that the office G/TIP "wanted to legislate on behalf of the United States" in Argentina when its representatives raised concerns over whether Argentina's new anti-trafficking law adequately addresses the issue of victim's consent in the case of adult victims. "Let us put that episode behind us", Lagon suggested, assuring Fernandez that the GOA has "clearly demonstrated its political will" to fight TIP not only to Lagon, but also to Ambassador Wayne and DHS Assistant Secretary Julie Myers (ref C).

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MOJ: If You Want Partnership, You Must Trust Us
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15. (C) Fernandez agreed, but stated that "if the USG wants to be partners, then you must trust us." Fernandez stressed that Argentina wants to work with the United States, as evidenced by his acceptance of A/S Myers offer to bring TIP experts to the June Mercosur Congress. "All cooperation helps, when it's to defend the most vulnerable", he stated. Ambassador Wayne observed that the ICE experts were pleased to participate in the Mercosur meeting and were impressed by the turnout.

16. (C) Continuing, Fernandez explained that "there are two different markets for prostitution in Argentina-- one for beautiful women and one for young women. It's a complex issue." Ambassador Lagon explained that the key issue is that TIP victims lose choice and control over their lives. He stressed that law enforcement officials and judges need to be sensitive to this, even among adults in prostitution. Fernandez stated that judges are not sensitive to this issue, and that they view prostitution as well as forced and child labor as minor issues. He emphasized, however, that he is pushing them to take the matter seriously and enforce

the new anti-TIP law. Lagon observed that judges around the world seem to prefer receiving training from other judges and suggested that the MOJ find clever ways to make TIP training of federal judges available.

Lessons Learned from the TIP Report

17. (C) Lagon suggested that Minister Fernandez look at the full report, and not just the chapter on Argentina, to learn more about emerging global trends in human trafficking: 1) it seems that individuals involved in human trafficking for labor exploitation are typically not criminally convicted or punished and 2) corrupt officials are a part of the problem. He asked how the GOA will address these issues in the months ahead. Fernandez stated that the GOA intends to tackle these issues, and that the MOJ is currently developing a criminal intelligence unit which will report directly to him only. He acknowledged that many police officials and judges at the provincial level are complicit in the business of human trafficking. With the new federal anti-trafficking law, Fernandez stated that he now has the authority to act on any criminal intelligence they may gather that indicates provincial officials are involved in TIP. He also stated that the MOJ is buying equipment such as non-identifiable vehicles, hidden cameras, listening devices, and night-vision goggles for use in this effort.

GOA Efforts to Improve Inter-Agency Coordination to Implement TIP Law

18. (C) Turning to implementation of the law, Lagon asked whether the MOJ would create a dedicated unit to fight trafficking. Minister Fernandez indicated that they are creating a specialized unit within each of the four law enforcement forces, the federal police, Gendarmerie (border patrol), Coast Guard, and the Airport Police. It would take 60-90 days to organize and clarify the role that each government agency will have in the GOA's national plan to

fight TIP. He noted that he has signed a cooperation agreement to fight TIP with the Ministry of Labor and will soon sign one with the Ministry of Interior's Migration Department. The GOA will also begin a permanent campaign that will not only raise public awareness of the problem, but also inform the public on how to report TIP cases. "It's a huge undertaking", Fernandez observed.

19. (C) Lagon underscored the importance of inter-agency coordination in the fight against TIP, adding that he chairs an inter-agency working group to coordinate domestic and international efforts to combat TIP, and stressed that the USG is by no means perfect. He explained that the U.S. evaluates its own efforts to fight TIP and even issues recommendations on how best the USG can improve, which he shared with Fernandez in Spanish. He noted that one of the challenges in fighting TIP is the tension between helping trafficking victims obtain access to social services and persuading them to testify against their exploiters.

110. (C) Fernandez stated that he welcomed learning how other governments fight human trafficking, pointing to the MOJ's recent Mercosur Congress that had invited experts from both the United States and France to offer a training seminar on investigation techniques. He asserted that the MOJ is working with other Ministries to provide a comprehensive response to Argentina's human trafficking problem. In an indirect reference to the efforts by the previous Minister of Justice to sign memorandums of cooperation with other government stakeholders such as the Ministry of Social Development (ref D), Fernandez complained that Ministries had promised they were ready to assist trafficking victims, when in fact they were not. Referring to the recent rescue of eight Paraguayan trafficking victims, he expressed

frustration that there was not a single shelter law enforcement authorities could send the victims. He stated that for now, victim's assistance is provided on an ad hoc basis, because "if we wait until everything is in place, we will never help the victims we rescue." He added that all victim's assistance would be coordinated through the MOJ Office for Victims Against Violence headed by Eva Giberti.

¶11. (C) Turning to the case of TIP for the purposes of labor exploitation, Fernandez indicated that many sweatshops produce brand-name products using Bolivian labor, where they work 20 hours a day for little more than gruel and extremely low wages, if any. Nevertheless, "these conditions are better than the conditions these workers find in Bolivia," Fernandez asserted while admitting he "would never say that in public." He stated that the government will have to help these victims find shelter and provide them with food and job opportunities. He also asserted that the GOA's 2006 Gran Patria, whereby undocumented immigrants can regularize their immigration status in Argentina, has helped to improve the situation as undocumented workers are more vulnerable to trafficking for labor exploitation purposes.

Lagon on NGOs: Transforming Critics into Partners

¶12. (C) Lagon noted that in the United States, NGOs have been instrumental in providing assistance to trafficking victims. He asked what role NGOs could play in assisting the GOA's effort to combat human trafficking. Fernandez stated that the GOA is working with some NGOs, but not all. He explained that some NGOs have worked against the GOA. He expressed confidence, however, that these NGOs would soon realize that the GOA is taking the matter seriously and will want to join the effort. Lagon sympathized, stating that sometimes NGOs can be critical and difficult to work with, but that they can become important partners. Fernandez agreed, saying that even though the NGOs are all critics, "we need to know what we are doing wrong." He added that once the government's anti-TIP apparatus is in place and is producing results, he hopes that NGOs will turn to the MOJ to denounce TIP cases and not just report their cases to the media.

MOJ: Preventing TIP Means Changing Cultural Attitudes

¶13. (C) On crime prevention issues, Fernandez said that the GOA's fight against TIP had to include a public awareness

campaign to change cultural attitudes, and that this would take time to see results. He indicated that some children are prostituted with the consent of their parents as a means of household survival. Lagon stated that every time Fernandez worked on behalf of TIP victims, he helps changes the views of others. Fernandez stressed that he is working to ensure that successive administrations do not backtrack on their commitment to fight TIP. Lagon thanked Fernandez for his cooperation and said he came away from the discussion with "confidence" about Fernandez, commitment to fighting TIP. He stated that he would be sure to call attention publicly to Argentina's accomplishments in its fight against TIP as the GOA follows through with implementing its new law.

¶14. (U) Ambassador Lagon has cleared this cable.
WAYNE